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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,160	06/30/2003	Yoshiko Naitoh	03560.003328.	8128
5514 7590 07/10/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
HUSSAIN, TAUQIR				
ART UNIT		PAPER NUMBER		
2152				
MAIL DATE		DELIVERY MODE		
07/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/608,160

**Applicant(s)**

NAITOH, YOSHIKO

**Examiner**

TAUQIR HUSSAIN

**Art Unit**

2152

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5, 9-11, 13, 15 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 9-10, 11, 13, 15, 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to amendment /reconsideration filed on 02/15/2008, the amendment/reconsideration has been considered. Claims 1, 11, 21 and 22 have been amended, claims 1, 3, 5, 9-11, 13, 15, 19-22 are pending for examination, the rejection cited as stated below.

***Response to Arguments***

2. Applicant's arguments filed on DATE have been fully considered but they are not deemed to be persuasive. In the remarks, applicant argued in substance that

(a) Prior art of record, "Yada and Schlonski" does not teach "Determining unit and the communication control unit as recited in independent claims 1, 11, 21 and 22.

(b) Prior art of record, "Yada and Schlonski" does not teach, "wherein the notification issued by said communication controlling unit includes information indicating that either the first device identification information or the second device identification information is not being managed".

(c) Prior art of record, "Yada and Schlonski" does not teach, "wherein said communication controlling unit restricts issuing the accounting information obtained from the predetermined device by said obtaining unit to the external apparatus if said determination unit determines either the first device identification information or second device identification is not being managed"

As to point (A), Examiner after given the broadest interpretation to the claim language, respectfully disagree and maintain the rejection of last office action dated 11/19/2007. Further to explain Yada discloses in Fig.8, step (8-2 – s8-11) are equivalent to determination unit, where various decision are made based on hardware and software configuration as for communication control unit is suggested in Yada, Fig.6, [0056], where IP and MAC addresses are searched and decision is made in light of Fig.8, [0062].

As to point (B), Examiner respectfully disagree and points to Yada Fig.8 step (8-2 - s8-6), where communication log is analyzed and alarm notification is issued it can be noted that to send the notification there has to be a communication unit in place and beside it will be obvious to one of the ordinary skilled in the art to adapt various mode of modifications in compliance to invention.

As to point (c) Examiner respectfully disagree and suggest that restricting issuing the accounting information obtain from the predetermined device is merely an extension of Yada, Fig.8, step (s8-8 – s8-12), where counting of number of licenses can be equivalent to accounting information and further this restriction comes by way of software module which can merely be a set of instruction or predetermined policy which is well known in the art for details please refer back to the last office action.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35 U.S.C 102 and 103(a) not included in this action can be found in a prior Office Action.

4. Claim 1, 3, 5, 9-11, 13, 15, 19-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yada (Pub. No.: Us 2001/0029474 A1), hereinafter "Yada" in view of Schlonski et al. (Pub. No.: US 2003/0093521 A1), hereinafter "Schlonski".
5. Yada and Schlaonski have been cited as prior arts in the last office action. The teachings that applicable are respectfully maintained and incorporated by reference as set forth in the last office action.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H. /

Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152